



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 23, 2009

TO: Mayor and Councilmembers

FROM: City Attorney's Office
City Clerk's Office, Administrative Services Department

SUBJECT: Proposed Charter Amendments Affecting The Architectural Board Of Review, Harbor Commission, Park Commission And Recreation Commission, And Residency Requirements

RECOMMENDATION:

That Council review the draft charter amendment language and provide direction to staff concerning any needed revisions.

DISCUSSION:

On April 28, 2009, Council discussed the interest in possible charter amendments related to size, composition, and residency requirements of the Architectural Board of Review (ABR), the Harbor Commission, and the Park Commission and Recreation Commission. Council directed staff to meet with the Board and Commissions to discuss the proposed amendments and return to Council with options for three separate ballot measures for proposed charter amendments.

Department staff met with their respective Board and Commissions to discuss the potential Charter amendments. Perspectives and recommendations from the Board, Commissions, and staff are as follows:

Architectural Board of Review:

Planning Staff discussed the proposed Charter Amendment with the ABR at two meetings on May 18, and June 1, 2009. The Board supports the new recruitment policy that up to three members could be drawn from the County and they would not be required to be City residents. The Board now understands as well that although the size is proposed to be reduced from nine to seven, the composition of the Board would not change. In general the Board does not support the size reduction and believes that a larger group is better. Staff explained that consistency of direction and action is best achieved with a smaller Board.

The proposed amendment includes reducing the size of the ABR from nine to seven members, and expands the residency requirement.

Harbor Commission:

Waterfront staff discussed the proposed charter amendment with the Harbor Commission at the May 21, 2009, meeting. The Board does not support the expansion of the Harbor Commission from five to seven members. The board agrees that one member of the Harbor Commission be allowed to be a non-City resident.

The proposed amendment includes increasing the size of the Harbor Commission from five to seven members, and expands the residency requirement.

Park Commission and Recreation Commission:

Parks and Recreation staff discussed the proposed charter amendment with the Commission on May 27, 2009. The Commission recommended that Council move forward with the Charter amendment language drafted by the City Attorney which consolidates the Park Commission and Recreation Commission into one, a Parks and Recreation Commission; increases the membership to seven; allows for one member to be an individual sixteen years of age or older at Council election; and merges the powers and duties of the former boards. The Commission also recommended adding creeks to the new Commission's powers and duties to reflect the addition of the Creek Restoration and Water Quality Improvement Program to the Parks and Recreation Department.

The proposed amendment includes merging powers and duties and consolidating two commissions into one; increasing the size of the consolidated Commission from five to seven members; allowing for one member to be an individual 16 years of age or older; and adding creeks to the list of powers and duties.

Proposed Charter Amendments

The City Attorney drafted the attached charter amendments for the proposed ballot measures as directed by Council on April 28, 2009. Directors from the Community Development, Waterfront and the Parks and Recreation Departments will attend to provide feedback related to their respective Boards and Commissions and answer questions.

The charter amendments need to be finalized as soon as possible in order to meet the deadlines for the November 2009 election. City staff will return to Council on June 30, 2009, with the necessary resolutions calling the November 3, 2009, general municipal election.

Council Agenda Report

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ATTACHMENT: Proposed charter amendment language

PREPARED BY: Stephen P. Wiley, City Attorney
Cynthia M. Rodriguez, City Clerk Services Manager

SUBMITTED BY: Stephen P. Wiley, City Attorney
Marcelo A. López, Administrative Services Director

APPROVED BY: City Administrator's Office

City Council Draft – June 23, 2009
SHOWING CHANGES FROM EXISTING CHARTER SECTION 814
~~DELETIONS IN STRIKE OUT TEXT~~
NEW LANGUAGE IN UNDERLINE

*Proposed Revision to Charter Section 814
To Reduce ABR from Nine to Seven Members
And to Allow Up To Three ABR Members to
Live Outside the City*

Section 814. Architectural Board of Review. Powers and Duties.

There shall be an Architectural Board of Review composed of ~~nine (9)~~ seven (7) members. At least two (2) members of such Board shall be licensed architects, and at least three (3) other members shall possess professional experience in related fields, including but not limited to, landscape architecture, building design, structural engineering or industrial design. Notwithstanding Charter section 802, three members of the Architectural Board of Review need not be qualified electors of the City at the time of their appointment so long as they are qualified electors of Santa Barbara County and remain so qualified during their terms on the Board. Four (4) members shall constitute a quorum, one (1) of which shall be an architect. The Board shall have the power and duty to:

(a) Review and approve, conditionally approve or disapprove all applications for a building permit for the erection or exterior alteration of any type, nature or kind

of building, structure or sign that may be specified by ordinance as requiring such action within any area, district or zone of the City, except for those applications subject to review by the Historic Landmarks Commission. Any application for a building permit, except for those applications subject to review by the Historic Landmarks Commission, for the erection or exterior alteration of any such type, nature or kind of building, structure or sign within any such area, district or zone shall be referred to said Board before issuance, together with plans, elevations and site plans therefor. Any applicant may appeal in writing to the City Council from any action or decision of the Architectural Board of Review, whereupon the City Council may approve, conditionally approve or disapprove such application and the decision of the City Council shall be final. No such building permit shall be issued except in accordance with the approval of the Architectural Board of Review, or on appeal of the City Council. The City Council shall, by ordinance consistent with this Charter, implement the provisions of this section, including those ordinance provisions deemed necessary to properly transition the Board from nine (9) members to seven (7) members.

City Council Draft – June 23, 2009
SHOWING CHANGES FROM EXISTING CHARTER SECTION 811
DELETIONS IN STRIKE-OUT TEXT
NEW LANGUAGE IN UNDERLINE

*Proposed Revisions to Charter Section 811
To Expand the Harbor Commission from Five to Seven Members and
To Allow One Harbor Commissioner to Live Outside the City*

Section 811. Board of Harbor Commissioners. Powers and Duties.

There shall be a Board of Harbor Commissioners consisting of seven (7) ~~five (5)~~ members which shall have the power and duty to:

(a) Recommend and act in advisory capacity to the City Council in all matters pertaining to the operation of all vessels and water craft within the Harbor of the City, the use, control, operation, promotion and regulation of said Harbor, the construction, improvement, erection, dredging, maintenance and operation of the said Harbor and all navigable waters, buildings, structures, wharves, docks, piers, warehouses, railroads, appliances, utilities and facilities forming a part of or accessory to or relating to said Harbor or to water commerce, navigation or fishery in or about said Harbor, as the same may now exist or may hereafter be extended.

(b) Recommend to the City Council plans, rules and regulations pertaining to any of the matters listed in (a) above,

or to the fixing of rates, tolls, fees, rents, charges or other payments to be made to or by the City in connection with the said Harbor or the use or operation thereof or of anything accessory thereto or connected therewith.

(c) Consider the annual budget for the Harbor Department during the process of its preparation and make recommendations with respect thereto to the City Council and City Administrator.

(d) Make recommendations to the City Council regarding the desirable qualifications and duties of the Harbor Manager or other head of the Harbor Department.

(e) Make recommendations to the City Council concerning the acquisition, disposition or repair of equipment, facilities, materials and supplies relating to the Harbor Department.

(f) Perform such other functions or duties, not inconsistent with this Charter, as may be prescribed by ordinance.

Notwithstanding Charter section 802, one member of the Harbor Commission need not be a qualified elector of the City so long as he or she is, at the time of appointment, a qualified elector of Santa Barbara County and remains so qualified while a Commissioner.

City Council Draft – June 23, 2009
SHOWING CHANGES FROM EXISTING CITY CHARTER
DELETIONS IN ~~STRIKETHROUGH~~
ADDITIONS UNDERLINED

*Proposed Charter Amendment to consolidate the City Board of Park Commissioners
(existing Charter Section 809)
with the City Recreation Commission (existing Charter Section 810)*

Section 809. ~~Parks and Recreation Commission.~~ Powers and
Duties.

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There shall be a ~~Parks and Recreation Commission~~ consisting
of ~~five (5)~~ seven (7) members. Notwithstanding Section 802 of
this Charter, the City Council may, by ordinance, provide that one
member of the Parks and Recreation Commission may be an individual
of age sixteen (16) years or older who may be nominated,
appointed, and serve in a manner specified by an ordinance adopted
by the City Council. The ~~Parks and Recreation Commission~~ shall
have the power and duty to:

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(a) Act in an advisory capacity to the City Council in all
matters pertaining to parks, recreation, beaches, creeks, plazas,
parkways, and street trees.

(b) Consider the annual budget for parks, recreation,
beaches, creeks, plazas, parkways, and street tree purposes during
the process of its preparation and make recommendations with
respect thereto to the City Council and the City Administrator.

(c) Assist in the planning of parks, recreation, beaches,
creeks, plazas, and street trees for the inhabitants of the City,
promote and stimulate public interest therein, and to that end

solicit to the fullest extent possible the cooperation of school authorities, and other public and private agencies interested therein.

Deleted: , Recreation Commission

(d) Perform such other duties not inconsistent with this Charter as may be prescribed by ordinance.

Swiley/charter revisions 2009/section 809 (6/15/09 – 3:19 pm)

Deleted: Section 810. Recreation Commission. Powers and Duties.¶
¶
There shall be a Recreation Commission consisting of five (5) members. The Recreation Commission shall have the power and duty to:
.(a) Act in an advisory capacity to the City Council in all matters pertaining to recreation. ¶
.(b) Consider the annual budget for recreation purposes during the process of its preparation and make recommendations with respect thereto to the City Council and City Administrator. ¶
.(c) Assist in the planning of recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities, Board of Park Commissioners and other public and private agencies interested therein. ¶
.(d) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of the Charter.